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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Louis Marks,

Plaintiff,

v.

State of Nevada, et al.,

Defendants.

Case No. 2:18-cv-01421-RFB-BNW

ORDER

Before the Court is pro se Plaintiff's motion for a court appointed expert. ECF No. 41. Defendants did not respond to this motion.

Federal Rule of Evidence 706 gives the Court discretion to appoint an expert witness. It provides:

On a party's motion or on its own, the court may order the parties to show cause why expert witnesses should not be appointed and may ask the parties to submit nominations. The court may appoint any expert that the parties agree on and any of its own choosing. But the court may only appoint someone who consents to act.

Fed. R. Civ. P. 706(a).

The Court, in its discretion, will order the parties to show cause, in writing, why an expert witness should not be appointed, as Plaintiff requests. The parties' briefs should discuss (1) whether an expert(s) should be appointed or not, (2) exactly what type of expert(s) should be appointed, if one is appointed, (3) what each expert is to issue a report about, (4) how an expert(s) will assist the Court in understanding the claims, and (5) how the expert will be compensated in accordance with Federal Rule of Evidence 706(c). The

1 parties' briefs must also identify any experts who the party nominates to act as a court
2 appointed expert and who consents to act as such. These briefs are due by June 15, 2021.

3 **IT IS THEREFORE ORDERED** that Plaintiff's motion to appoint an expert
4 witness (ECF No. 41) is GRANTED only to the extent that the Court will exercise its
5 discretion to order the parties to show cause why an expert should not be appointed. The
6 parties' briefs are due by June 15, 2021. The Court will render its final decision on whether
7 an expert should be appointed after it reviews the parties' briefs.

8 DATED: May 21, 2021

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10 BRENDA WEKSLER
11 UNITED STATES MAGISTRATE JUDGE
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